

REMARKS

Claims 12-23 are pending in this application. Claim 21 has been amended and claim 23 has been canceled without prejudice by the present Amendment. Amended claim 21 does not introduce any new subject matter.

REJECTIONS UNDER 35 U.S.C. § 112

Reconsideration is respectfully requested of the rejection of claims 21-23 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The test for enablement is whether one skilled in the art could, at the time of the invention, make and use the claimed invention based on the disclosure and the information known in the art without undue experimentation. Applicants maintain that the embodiment of the invention as recited in amended claim 21 satisfies the test for enablement.

Briefly, claim 21, as amended, provides for an in-line system for fabricating a liquid crystal display, the in-line system including a sealer coating unit and a sealer hardening unit, wherein the sealer coating unit coats at least one of the first or second substrates with a sealer and the sealer hardening unit hardens the sealer to join the first and second substrates with a gap therebetween.

Applicants have canceled claim 23 without prejudice and have amended claim 21 to delete "means for dispersing spacers between first and second substrates" and "means for joining the first and second substrates to form a gap" and to add "a sealer coating unit and a sealer hardening unit, wherein the sealer coating unit coats at least one of the first or second substrates with a sealer and the sealer hardening unit

hardens the sealer to join the first and second substrates with a gap therebetween". The added elements to claim 21 are described and depicted in the specification and drawings. See ¶¶ 0035-0037 and FIGS. 2B, 3 and 4 (reference numerals 18, 300 and 900). Applicants submit that this amendment does not add new matter to the application because the specification provides an enabled description of the recited elements.

Applicants, therefore, respectfully request that the Examiner's rejection under 35 U.S.C. § 112 for lack of enablement be withdrawn.

Reconsideration is respectfully requested of the rejection of claims 21-23 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants have canceled claim 23 without prejudice and have amended claim 21 to delete "means for dispersing spacers between first and second substrates" and "means for joining the first and second substrates to form a gap" and to correct the antecedent basis issue.

Therefore, Applicant respectfully requests that the Examiner's indefiniteness rejection under 35 U.S.C. § 112 be withdrawn.

DOUBLE PATENTING REJECTIONS

Claims 12-18 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,710, 843 ("Choo") in view of U.S. Patent No. 5,426,522 ("Takahara"), and claims 19-23 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 7-11 of Choo.

Applicants request that the double patenting rejections be held in abeyance pending disposition of the remaining rejections and possible amendments to the claims.

If at such time the Examiner maintains the double patenting rejections, Applicants will attend to responding to same.

Accordingly, Applicant reserves the right to submit a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) to overcome the double patenting rejections. The filing of a Terminal Disclaimer is not intended to be, nor should it be construed as an admission as to the merits of the rejections.

REJECTIONS UNDER 35 U.S.C. § 103

Reconsideration is respectfully requested of the rejection of (1) claim 12 under 35 U.S.C. § 103(a) as being unpatentable over JP 2001-356313 ("Shu") in view of Takahara; (2) claims 13-16 under 35 U.S.C. § 103(a) as being unpatentable over Shu in view of Takahara as applied to claim 12, and further in view of U.S. Patent No. 6,420,678 ("Hoekstra"); (3) claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Shu in view of Takahara and Hoekstra as applied to claims 13-16, further in view of U.S. Patent No. 6,606,524 ("Byun"); (4) claims 19-20 under 35 U.S.C. § 103(a) as being unpatentable over Shu in view of Hoekstra; and (5) claims 21-23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,828,435 ("Kato") in view of Byun and Shu with Hoekstra.

Applicants respectfully submit that the above rejections based on Shu are legally deficient and can be overcome by perfecting a claim of priority to Korean Patent Application No. 2001-34761, filed on June 19, 2001 ("761 application").

The present application is a continuation of U.S. Patent Application Serial No.

10/108,045, filed on March 27, 2002 ("045 application") (now U.S. Pat. No. 6,710,843), which claims priority under 35 U.S.C. § 119 to the '761 application. Accordingly, the effective filing date of the instant application is March 27, 2002. Further, because the instant application is a continuation of the '045 application, Applicants are entitled to rely on the filing date of the '761 application to overcome a rejection based on Shu.

Shu has a publication date of December 26, 2001. Therefore, the priority date of the present application (June 19, 2001) antedates the publication date of the cited reference.

Accordingly, pursuant to sections 2136.03, 706.02(b) and 201.15 of the Manual of Patent Examining Procedure, M.P.E.P. §§ 2136.03, 706.02(b) and 201.15 (Rev. 3, Aug. 2005), Shu may be precluded from being used as a ground for rejection if Applicants perfect priority by submitting an appropriate English translation of the '761 application.

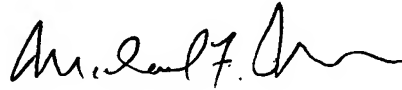
Accordingly, Applicants file herewith an English translation of the certified copy of the '761 application and a statement that the translation is accurate.

Therefore, Applicants submit that because the foreign priority date (June 19, 2001) is prior to the publication date of Shu (December 26, 2001), Shu cannot be used as a reference in an obviousness rejection under section 103(a).

Accordingly, for at least the reason that Shu cannot be used as a prior art reference, Applicants respectfully request that the Examiner withdraw the rejections of claims 12-17, 19-20 and 21-23 under 35 U.S.C. § 103(a).

An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, the Examiner may telephone Applicants' Attorney to reach a prompt disposition of this application.

Respectfully submitted,



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